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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,659	10/28/2003	Karl L. Ginter	7451.0001-23	8787

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EXAMINER
DARROW, JUSTIN T

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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	Application No.	Applicant(s)
Office Action Summary	10/696,659	GINTER ET AL.
	Examiner	Art Unit	
	Justin T. Darrow	2132	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _27 May 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _91-157_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _91-123_ is/are allowed.

6)☒ Claim(s) _124-157_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

105,142. Applicants enclose a copy of the Notice Declaring Interference, dated September 4, 2003 (Exhibit A), as well as attachments to the Notice.

The interference has been declared between the Ginter '205 application and U.S. Patent No. 5,845,281 to Benson (Benson I), U.S. Patent Appln. No. 09/164,606 to Benson (Benson II), and U.S. Patent Appln. No. 09/321,386 to Benson (Benson III). A copy of Benson I is attached as Exhibit B, while Exhibits C and D are listings of the claims of Benson II and III. The instant application and Ginter '205 both claim priority from the same ancestor application, Applicataion No. 08/388,107. The claims of the involved Ginter '205 application are attached as Exhibit E. The three Counts in the interference are described in Part F of the Notice (Exhibit A) and again in the Examiner's Interference Memorandum and accompanying comments, attached hereto as Exhibit F.

A second interference involving Macrovision and InterTrust was declared on December 18, 2003. A copy of the Notice is attached hereto as Exhibit G. Interference No. 105,193 involved InterTrust patents U.S. Patents Nos. 5,920,861; 5,982,891; 6,138,119; and 6,253,193, and Benson patent applications Benson II and Benson III. The instant application and U.S. Patent Nos. 5,982,891 and 6,253,193 all claim the benefit of priority of the same parent application, Application No. 08/388,107.

The co-pending subject application is also assigned to InterTrust and may claim related subject matter to the involved Ginter '205 application. In addition, the co-pending subject application may be related to the Ginter '205 application by: 1) claiming the benefit of priority of the great-grandparent application of the Ginter '205 application (Application No. 08/388,107) and/or one or more related, intermediary applications; 2)
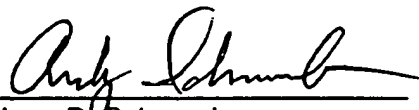
-2-

incorporating by reference the Ginter '205 application and/or one or more of its parent applications; and/or 3) containing statements that it is or may be related to the Ginter '205 application and/or one or more of its parent applications.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 26, 2004

By:_____

Andrew B. Schwaab
Reg. No. 38,611

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DETAILED ACTION

1.   Claims 1-157 have been presented for examination. Claims 1-90 have been canceled and

new claims 91-157 have been added in a preliminary amendment filed 10/28/2003. Claims 91-

157 have been examined.

Priority

2.   Acknowledgment is made that the instant application is a continuation of Application No.

10/106,742, filed 03/25/2002, now U.S. Patent No. 6,640,304 B2, which is a continuation of

Application No. 09/327,405, filed 06/07/1999, now U.S. Patent No. 6,363,488 B1, which is a

continuation of Application No. 08/760,440, filed 12/04/1996, now U.S. Patent No. 5,910,987 A,

which is a continuation-in-part of Application No. 08/388,107, filed 02/13/1995, now

abandoned.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 05/27/2004 was filed before the

mailing date of this Office action. The submission is in compliance with the provisions of 37

CFR 1.97. Accordingly, the information disclosure statement is being considered by the

examiner.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 124-157 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik, U.S. Patent No. 5,715,403 A.

As per claims 124 and 147, Stefik illustrates a method and a computer program product for auditing access to, or other use of, a digital object at a first computer system, comprising:

obtaining a request to access or otherwise use the digital object (see column 23, lines 4-8; figure 5, block 61; making a request allocation call; see column 21, lines 27-32; figure 1, item 17; of license units of a software product);

granting the request to access or otherwise use the digital object if permitted by one or more rules associated with the digital object (see column 23, lines 8-11; figure 5, block 63; granting a license to use the software product; see column 21, lines 54-56; where the license units are allocated or consumed according to the policy statement found on the appropriate product use authorization);

storing audit information relating to the access or other use of the digital object (see column 31, lines 61-64; figure 18, item 1810; incrementing the number of copies in use by the number of digital works requested in the transaction);

determining that at least a predefined time period has elapsed (see column 30, lines 23-26; exchanging periodic charge information between the repository and a credit server for each block of time), and

sending at least part of the stored audit information to a computer system that is remote from the first computer system (see column 32, lines 24-27; figure 18, step 1815; financial transactions including reporting and metering usage between the repository as the computer system and an associated credit server as another computer system remote from the first computer system).

As per claim 125, Stefik further describes:

that the predefined time period comprises a period of time since audit information was previously sent to the remote computer system (see column 30, lines 23-26; where the block of time is predefined period beginning with the last time charge information was reported to the credit server).

As per claims 126 and 148, Stefik also discusses:

that at least one or more rules includes an indication of number of times that the digital object is allowed to be accessed or otherwise used (see column 31, lines 49-53; figure 18, step 1808; checking the copy count of the number of copies allowed to be accessed and determining whether it is greater than zero designating at least one copy available for access).

As per claims 127 and 149, Stefik moreover explains:

determining whether the request could be granted without exceeding the number of times that the digital object is allowed to be accessed or otherwise used (see column 31, lines 54-60; figure 18, step 1809; checking if the number of the copies in use for the requested right is greater than or equal to any copy count for the requested right)

As per claims 128 and 150, Stefik then describes:

accessing previously stored audit information containing an indication of a number of times the digital object has been accessed (see column 31, lines 54-60; figure 18, step 1809; checking if the stored information of the number of the copies already in use for the requested right is greater than or equal to any copy count for the requested right).

As per claim 129, Stefik additionally embodies:

storing the audit record in a database containing one or more other audit records, containing information relating to one or more other accesses or other uses of the digital object or one or more other digital objects (see column 31, lines 10-18; figure 18, step 1801; digital works with attached usage rights stored in a folder in a file system hierarchy with general tests corresponding to requirements imposed on the work as a consequence of its being on the particular repository).

As per claim 130, Stefik next points out:

creating an audit record containing information relating to the access or other use of the digital object (see column 31, lines 61-64; figure 18, item 1810; incrementing the number of

copies in use by the number of digital works requested in the transaction effectively creating an

audit record where the digital work is used for the first time in the repository), and

storing the audit record in a database containing information relating to one or more other

accesses or other uses of the digital object or one or more digital objects (see column 31, lines

10-18; figure 18, step 1801; where the audit records correspond to the respective digital works

with attached usage rights stored in a folder in a file system hierarchy with general tests

corresponding to requirements imposed on the work as a consequence of its being on the

particular repository).

As per claim 131, Stefik also suggests:

updating previously stored audit information (see column 31, lines 61-64; figure 18, item

1810; incrementing the number of copies in use by the number of digital works requested

resulting in an updated audit record of the number of copies in use).

As per claim 132, Stefik then mentions:

that the remote computer system comprises a clearinghouse (see column 30, lines 23-37;

reporting charge information to a clearinghouse through a credit server).

As per claim 133, Stefik moreover describes:

that the remote computer system is associated with the creator of the digital object (see

column 7, lines 19-21; figure 1, step 102; the creator deposits the work initially in Repository 1;

see column 7, lines 44-48; figure 1, step 108; where Repository 2 reports billing information to

Repository 1 and credit server as the digital work is used).

As per claim 134, Stefik further points out:

that the remote computer system is associated with a distributor of the digital object (see

column 11, lines 15-18; TABLE 1; a revenue owner to whom usage fees are reported).

As per claim 135, Stefik additionally describes:

decrypting the digital object (see column 16, lines 22-25; TABLE 2, Level 4; high level

encryption is used on all communications including transmitting digital works).

As per claim 136, Stefik then discusses:

a request to open the digital object (see column 19, lines 47-56; column 36, lines 31-35; a

request for rendering a digital work such as displaying a document on a display or running a

computer program).

As per claim 137, Stefik moreover elaborates:

a request to play music through one or more speakers see column 19, lines 47-56; column

36, lines 31-35; playing music through a speaker).

As per claim 138, Stefik also points out:

a request to play video content (see column 36, lines 31-47; a request to play a movie).

As per claim 139, Stefik then discusses:

a request to display textual content (see column 19, lines 47-56; column 36, lines 31-35; a request for rendering a digital work such as displaying a document on a display).

As per claim 140, Stefik further explains:

a request to print textual content (see column 37, lines 1-17; printing a digital work written in text).

As per claim 141, Stefik next embodies:

an indication of a quantity of textual content that was displayed (see column 19, lines 47-56; column 36, lines 31-35; a request for rendering a digital work such as displaying a document on a display; see column 31, lines 61-64; figure 18, item 1810; incrementing the number of copies in use of displaying by the number of digital works requested in the transaction).

As per claim 142, Stefik then points out:

an indication of the length of time the textual content was displayed (see column 19, lines 47-56; column 36, lines 31-35; a request for rendering a digital work such as displaying a document on a display; see column 21, lines 49-65; monitoring the use of a right for fixed and predetermined duration).

As per claims 143 and 151, Stefik additionally suggests:

deleting the stored audit information from the first computer system (see column 7, lines

54-59; when a repository is no longer in server mode processing requests for the digital work, the

audit information is removed).

As per claim 144, Stefik also describes:

receiving a communication from the remote computer system operable to cause at least

some functionality at the first computer system to be disabled (see column 32, lines 21-28; figure

18, steps 1815 and 1805; if the financial condition fails at the credit server, the credit server

notifies the repository to terminate the transaction; see column 8, lines 35-37; preventing a

rendering device at the repository from rendering the digital work)).

As per claim 145, Stefik additionally shows:

receiving a communication from the remote computer system operable to disable further

use of the digital object at the first computer system (see column 32, lines 21-28; figure 18, steps

1815 and 1805; if the financial condition fails at the credit server, the credit server notifies the

repository to terminate the transaction preventing use of the digital work).

As per claim 146, Stefik further explains:

that the communication from the remote computer system is sent in response to the

remote computer system receiving at least part of the stored audit information (see column 32,

lines 21-28; the transaction termination caused by financial conditions not being satisfied arises

out of the repository communicating to the credit server).

As per claim 152, Stefik depicts a method performed at a first computer system, comprising:

obtaining a request to access or otherwise use a digital object (see column 31, lines 15-28; figure 18, steps 1801, 1802, and 1803; receiving a usage request for a digital work);

determining whether to grant the request, including checking one or more rules associated with the digital object (see column 31, lines 32-35; figure 18, steps 1806, 1807, and 1808),

the one or more rules including an indication of number of times that the digital object is allowed to be accessed or otherwise used (see column 31, lines 49-53; figure 18, step 1808; checking the copy count of the number of copies allowed to be accessed and determining whether it is greater than zero designating at least one copy available for access);

determining whether the digital object has been accessed or otherwise used more than the number of times indicated by the one or more rules (see column 31, lines 54-60; figure 18, step 1809; checking if the number of the copies in use for the requested right is greater than or equal to any copy count for the requested right);

granting the request to access or otherwise use the digital object if the digital object has not been accessed or otherwise used more than the number of time indicated by the one or more rules (see column 31, lines 61-64; figure 18, item 1810; if the copy count is less than the number of copies in use for the transaction, the transaction continues; see column 32; lines 31-33; figure 18, step 1816; resulting in performing right specific steps for access rights);

storing information relating to the access or other use of the digital object (see column 31,

lines 61-64; figure 18, item 1810; incrementing the number of copies in use by the number of

digital works requested in the transaction); and

sending second information relating to the access or other use of the digital object to

another computer system remote from the first computer system (see column 32, lines 24-27;

figure 18, step 1815; financial transactions including reporting and metering usage between the

repository as a first computer system and an associated credit server as another computer system

remote from the first computer system).

As per claim 153, Stefik futher suggests:

that the first information includes the second information (see column 17, lines 53-57;

when a digital work is copied by one repository to another for a fee, credit servers coupled to

each of the repositories will report the transaction to a billing clearinghouse, where the credit

servers have been sent information about the transaction stored in the repositories).

As per claim 154, Stefik then points out:

that the first information includes information relating to a user of the first computer

system that is not included in the second information (see column 31, lines 54-57; figure 18, step

1809; stored information about the number of copies available for the user's use);

As per claim 155, Stefik moreover embodies:

that the first information is the same as the second information (see column 17, lines 53-

57; when a digital work is copied by one repository to another for a fee, credit servers coupled to

each of the repositories will report the transaction to a billing clearinghouse, where the credit

servers have been sent information about the transaction stored in the repositories).

As per claim 156, Stefik then shows:

determining whether the digital object has been accessed or otherwise used more than the

number of times indicated by the one or more rules including accessing previously stored

information containing an indication of a number of times the digital object has been accessed or

otherwise used (see column 31, lines 54-60; figure 18, step 1809; checking if the stored

information of the number of the copies already in use for the requested right is greater than or

equal to any copy count for the requested right).

As per claim 157, Stefik additionally illustrates:

checking one or more additional rules associated with the digital object, the one or more

additional rules including an indication of a time period during which the digital object is

allowed to be accessed or otherwise used (see column 31, lines 35-39; figure 18, step 1806;

checking time based conditions on the time specification for the version of the right; see column

18, lines 35-40; figure 14, item 1455; which specifies a time based condition which must be

satisfied prior to the right being exercised); and

determining whether a current time is with the time period (see column 21, lines 49-58;

checking if the request occurs within the fixed interval of time during which a right may be

granted).

Interference

6.   The following is a quotation of 35 U.S.C. 135(b)(1) that form the basis for the rejections

under this section made in this Office action:

> A claim which is the same as, or for the same or substantially the same subject matter as, a claim of an issued
> patent may not be made in any application unless such a claim is made prior to one year from the date on which
> the patent was granted.

7.   Claims 152-157 are rejected under 35 U.S.C. 135(b)(1) as not being made prior to one

year from the date on which U.S. Patent No. 5,715,403 A was granted. See *In re McGrew,* 120

F.3d 1236, 1238, 43 USPQ2d 1632,1635 (Fed. Cir. 1997) where the Court held that the

application of 35 U.S.C. 135(b) is not limited to *inter partes* interference proceedings, but may

be used as a basis for *ex parte* rejections.

8.   Claims 152-157 are the same patentable invention under the two-way test of 37 C.F.R. §

1.601(n) as that of claim 26 of U.S. Patent No. 5,715,403 A. See MPEP § 2301.02 and *Eli Lilly

& Co. v. Board of Regents of the Univ. of Washington,* 67 USPQ2d 1161, 1164 (Fed. Cir. 2003).

As per claim 152, claim 26 of U.S. Patent No. 5,715,403 A is drawn a method performed

at a first computer system, comprising:

obtaining a request to access or otherwise use a digital object (see claim 25, column 54,

lines 57-62; receiving a request to access a digital work);

determining whether to grant the request, including checking one or more rules

associated with the digital object (see claim 25, column 55, lines 2-8; determining if conditions

specified by the usage right of the digital work are satisfied, where, if the conditions are satisfied,

the request is granted by transmitting the digital work),

the one or more rules including an indication of number of times that the digital object is

allowed to be accessed or otherwise used (see claim 26, column 56, lines 1-2; if all specified

copy count conditions are satisfied);

determining whether the digital object has been accessed or otherwise used more than the

number of times indicated by the one or more rules (see claim 26, column 55, lines 18-19;

determining if all specified access conditions are satisfied);

granting the request to access or otherwise use the digital object if the digital object has

not been accessed or otherwise used more than the number of time indicated by the one or more

rules (see claim 25, column 55, lines 7-8; granting access through transmitting the digital work if

conditions are satisfied, such as; see claim 26, column 55, lines 18-19; all specified access

conditions being satisfied);

storing information relating to the access or other use of the digital object (see claim 25,

column 54, lines 56-57; storing attached usage rights of the digital work); and

sending second information relating to the access or other use of the digital object to

another computer system remote from the first computer system (see claim 26, column 56, lines

3-4; determining if all specified fee conditions are satisfied by sending information to a credit

server).

As per claim 153, Stefik futher suggests:

that the first information includes the second information (see claim 26, column 56, lines

3-4; determining if all specified fee conditions are satisfied by sending information to a credit

server of the transaction; see claim 25, column 54, lines 56-57; including the fee conditions for

the usage of a right).

As per claim 154, Stefik then points out:

that the first information includes information relating to a user of the first computer

system that is not included in the second information (see claim 26, column 55, lines 18-19;

specified access conditions; see claim 25, column 54, lines 56-57; included in the stored usage

right are not sent to the credit server);

As per claim 155, Stefik moreover embodies:

that the first information is the same as the second information (see claim 25, column 55,

lines 7-8; transmitting the digital work with its attached usage rights).

As per claim 156, Stefik then shows:

determining whether the digital object has been accessed or otherwise used more than the

number of times indicated by the one or more rules including accessing previously stored

information containing an indication of a number of times the digital object has been accessed or

otherwise used (see claim 26, column 55, lines 12-14 and 18-19; determining if the specified

access conditions in the usage right are satisfied).

As per claim 157, Stefik additionally illustrates:

checking one or more additional rules associated with the digital object, the one or more

additional rules including an indication of a time period during which the digital object is

allowed to be accessed or otherwise used (see claim 26, column 55, lines 8-11; one or more

conditions specified by the usage right includes a time restriction conditon); and

determining whether a current time is with the time period (see claim 26, column 55,

lines 12-14 and column 56, lines 6-7; determining if all specified time restriction conditions are

satisfied).

Allowable Subject Matter

9.   Claims 91-123 are allowed.

10.   The following is an examiner's statement of reasons for allowance:

Claims 91-118 and 119-123 are drawn to a method and a computer program product for

auditing access to, or other use of, a digital object at a first computer system. The closest prior

art, Wyman, U.S. Patent No. 5,260,999 A, discloses a similar method and computer program .

product. Wyman illustrates:

obtaining a request to access or otherwise use the digital object (see column 23, lines 4-8;

figure 5, block 61; making a request allocation call; see column 21, lines 27-32; figure 1, item

17; of license units of a software product);

granting the request to access or otherwise use the digital object in accordance with one

or more rules associated with the digital object (see column 23, lines 8-11; figure 5, block 63;

granting a license to use the software product; see column 21, lines 54-56; where the license

units are allocated or consumed according to the policy statement found on the appropriate

product use authorization);

storing audit information relating to the access or other use of the digital object (see

column 23, lines 17-19; figure 5, blocks 63 and 66; storing a grant handle if a grant is made; see

column 22, lines 26-28; where the grant handle identifies the allocation grant created by this call

to request allocation; and

sending at least part of the stored audit information to another computer system remote

from the computer system (see column 23, lines 63-66; figure 1, item 23; figure 6, block 85).

However, Wyman neither teaches nor suggests determining that at least a predefined

amount of audit information has been stored. This distinct step explicitly recited in independent

claims 91 and 119 renders claims 91-118 and 119-123, respectively, allowable.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Michaud, International Application Publication No. WO 89/06398 A1 discloses a device

  for processing a data processing transaction where the transaction is evaluated for

  compliance with a set of predetermined rules.

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and

whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be

reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-

9306. In order for a formal paper transmitted by fax to be entered into the application file, the

paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal

papers for application file entry, such as amendments adding claims, extensions of time, and

statutory disclaimers for which fees must be charged before entry, must be transmitted with an

authorization to charge a deposit account to cover such fees. It is also recommended that the

cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers

transmitted by fax usually require three business days for entry into the application file and

consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only "**OFFICIAL FAX**" but also "**AMENDMENT AFTER FINAL**".

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

March 20, 2005

JUSTIN T. DARROW
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